



**DEPARTMENT OF THE NAVY**  
NAVAL INFORMATION WARFARE SYSTEMS COMMAND  
4301 PACIFIC HIGHWAY  
SAN DIEGO, CA 92110-3127

5720  
Ser 3.5/381  
June 23, 2023

**FOIA TRACKING NUMBER**  
**DON-NAVY-2023-000999**

Mr. Walker Gray  
11710 Plaza America Drive  
Suite 2000  
Reston, VA 20190  
Via e-Mail: walker.gray@praemialaw.com

Dear Mr. Gray:

This responds to your Freedom of Information Act (FOIA), 5 U.S.C. § 552, request of October 26, 2022, to Naval Information Warfare Center, Pacific (NIWC PAC) specifically for the;

- (1) Entire contract file for Contract No. N66001-20-C-4703;
- (2) All e-mails relating to Contract No. N66001-20-C-4703, whether in printed or electronic form, including but not limited to, all e-mails to and from David Leonard (david.p.leonard@navy.mil) relating to Contract No. N66001-20-C-4703;
- (3) All documents relating to the settlement of the contract termination for convenience regarding the above-mentioned Contract, including but not limited to internal communications, communications with third parties such as SEACORP, LLC, the settlement negotiation memorandum, and any written assessment of the costs claimed by SEACORP, LLC as a subcontractor.

On January 6, 2023, the NIWC PAC FOIA Coordinator provided you with a partial response and on February 14, 2023 you narrowed the scope of your request to exclude the Pre-Award documentation. An additional response was provided on March 16, 2023 and the final response was sent on March 22, 2023.

On April 7, 2023, you filed an appeal with the Appellate Authority, Department of the Navy, Office of General Counsel (DON OGC) on NIWC PAC's withholding of documents and communications, specifically, the internal communications regarding the amount for settlement of the contract termination for convenience. After review and coordination with NIWC PAC, DON OGC remanded the matter back to NIWC PAC for review and decision by the Naval Information Warfare Systems Command (NAVWAR) Initial Denial Authority. In an effort to ensure all documents available for release were provided, NIWC PAC conducted another search for responsive documents. The NIWC PAC FOIA Specialist forwarded the request and responsive documents to the NAVWAR FOIA Specialist for review and referral to the Initial Denial Authority for a decision relating to the withheld information. There were no additional responsive documents identified other than what was provided in the initial search.

After reviewing the documentation and files, I note that much of the information you list in your appeal letter are documents contained in the pre-award folder of the contract file which you previously agreed to exclude from your request. If it is your intent to now acquire these documents, please submit another FOIA request and specifically identify the records you are now seeking.

With regard to the current request and appeal. The following documents are provided in their entirety as responsive to your request:

<b>Document</b>	<b>Pages</b>
C2.1 R001 - NIWC UMV MM Sensing Networks_FINAL	3
C2.2 NAVWAR E-Commerce Central Amendment 02	1
C2.2 NAVWAR E-Commerce Central Failure	1
C2.3 Call Opp. No. R001 Q&A 23 March 2020 and C2.3 Q&A 23 March 2020	2
F5 FAPIIS	1
F5. SAM (31 July 2020)	1
F5. Titan One Zero, LLC - SAM Reps&Certs (31 July 2020)	44
H1.2 CAR – Final:	3
F5. FAPIIS (29 Jan 2021)	1
F5. SAM (29 Jan 2021)	1
F5. SAM Reps&Certs (29 Jan 2021)	45
H1.1 N66001-20-C-4703 - P00001 RELEASED	3
H1.2 CAR Final	3
F5 FAPIIS	1
F5 Reps & Certs	65
F5 SAM	3
H1.2 CAR Final	3
A3 N66001-20-C-4703 - Partial Stop-Work Order 20210804 - signed	1
A3 N66001-20-C-4703 - Partial SWO Extension 11052021 - signed	1
F5 FAPIIS	1
F5 Reps & Certs	40
F5 SAM	10
H1.1 N66001-20-C-4703 - P00003 RELEASED	7
H1.2 CAR Final	3
A3 FW_ TitanOneZero Experience	1
Stop Work Order - NIWC PAC Contract - N6600120C4703	1

The following documents are provided with redactions pursuant to the following FOIA exemptions. (b)(4) commercial or financial; (b)(5): predecisional, materials written as part of the decision-making process in the culmination of awarding a contract; and (b)(6): information about individuals which would constitute a clearly unwarranted invasion of personal privacy if disclosed.

<b>Document</b>	<b>Pages</b>	<b>FOIA Exemption</b>
CLIN Map Worksheet	2	
E2.8 BCM SIGNED	28	(b)(4), (b)(5), (b)(6)
G1.1 Email Distribution	1	(b)(6)
E2.8 BCM SIGNED	28	(b)(3), (b)(4), (b)(6)
H1.1 Attachment 1 - DD-254 - N6600120C4703	16	(b)(6)
H1.1 Exhibit A - CDRLs	10	(b)(6)
H1.1 N66001-20-C-4703 - Fully Executed_13SEPT2020	50	(b)(4)
E1 Tech Concurrence	7	(b)(4), (b)(5), (b)(6)
G1.1 Distribution Email	9	(b)(4), (b)(5), (b)(6)
A3 CTR Proposed PoP Change Non-DoD Source_RE N6600120C4703 Milestone 13 Modification	5	(b)(4), (b)(5), (b)(6)
[Non-DoD Source] RE_ N6600120C4703 Milestone 13 Modification	3	(b)(4), (b)(5), (b)(6)
G1.1 Distribution Email	9	(b)(4), (b)(5), (b)(6)
RE_ ExternalContract N66001-20-C-4703 CAE 1	2	(b)(4), (b)(6)
RE_ ExternalContract N66001-20-C-4703 CAE 5	3	(b)(4), (b)(5), (b)(6)
RE_ ExternalRE_ ExternalRE_ ExternalRE_ Update on N66001-20-C-4703 CAE	6	(b)(4), (b)(5), (b)(6)
RE_ ExternalRE_ ExternalRE_ Update on N66001-20-C-4703 CAE	5	(b)(4), (b)(5), (b)(6)
RE_ N6600120C4703 CAC re-verification - SECOND NOTICE	1	(b)(4), (b)(6)
[Non-DoD Source] RE_ ExternalRE_ ExternalRE_ ExternalRE_ ExternalRE_ ExternalRE_ ExternalRE_ Shipping address for NIWC PAC Contract N6600	11	(b)(4), (b)(5), (b)(6)

[Non-DoD Source] RE_ ExternalRE_ ExternalRE_ Shipping address for NIWC PAC Contract N6600120C4703 materials	5	(b)4, (b)5, (b)6
[Non-DoD Source] RE_ N6600120C4703 Milestone 13 Modification 2	7	(b)4, (b)5, (b)6
[Non-DoD Source] Update on N66001-20-C-4703 CAE	1	(b)5
[Non-DoD Source] Update on N66001-20-C-4703 CAEv2	1	(b)5
[URL Verdict_ Neutral][Non-DoD Source] RE_ ExternalRE_ ExternalRE_ ExternalRE_ ExternalRE_ ExternalRE_ Update on N66001-20-C-4703 CAE	3	(b)4, (b)5
[URL Verdict_ Neutral][Non-DoD Source] RE_ ExternalRE_ Update on N66001-20-C-4703 CAE	12	(b)4, (b)5
[URL Verdict_ Neutral][Non-DoD Source] RE_ Update on N66001-20-C-4703 CAE	2	(b)4, (b)5
D4 Final Agreement Email	10	(b)4, (b)5
G1.1 Email Distribution	14	(b)4, (b)6
RE_ ExternalContract N66001-20-C-4703 CAE 3	2	(b)4, (b)6
RE_ ExternalRE_ ExternalRE_ ExternalRE_ ExternalRE_ Update on N66001-20-C-4703 CAE	7	(b)4
RE_ ExternalRE_ Update on N66001-20-C-4703 CAE	12	(b)4, (b)6
RE_ N6600120C4703 Milestone 13 Modification	10	(b)4, (b)6
RE_ SEACORP POC	2	(b)4
RE_ Update on N66001-20-C-4703 CAE	12	(b)4, (b)5
RE_ Update on N66001-20-C-4703 CAE 2	12	(b)4, (b)5

And a total of 528 pages have been denied in full pursuant to the following FOIA exemptions. 5 U.S.C 552 (b)3: DoD Contractor Proposals and Statute 10 USC § 2305(g); (b)4) commercial or financial; (b)5: predecisional, materials written as part of the decision-making process in the culmination of awarding a contract and attorney-client privilege; and (b)6: information about individuals, which would constitute a clearly unwarranted invasion of personal privacy if disclosed.

In accordance with Navy policy, all fees have been waived.

Because your request has been denied, you are advised that you have the right to appeal this determination. If you have created an account in FOIA online, you may submit your appeal directly within the web-based system. To do this, log into your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of

your appeal. If you do not have a FOIA online account, you may send your appeal by regular mail to:

Department of the Navy  
Office of the General Counsel (ATTN FOIA APPEALS)  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope bear the notation "Freedom of Information Act Appeal" and that you send a copy to the NAVWAR FOIA Specialist. The mailing address is:

Naval Information Warfare Systems Command  
Code 3.5, 4301 Pacific Highway  
San Diego, CA 92110-3127

You also have the right to seek assistance and/or dispute resolution services from the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at (703) 697-0031 or via email at: [christopher.a.julka.civ@us.navy.mil](mailto:christopher.a.julka.civ@us.navy.mil). You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at 1-877-684-6448 or via email at: [ogis@nara.gov](mailto:ogis@nara.gov). For more information online about services provided by OGIS, please visit their website at: <https://ogis.archives.gov>.

I am the official responsible for the denial of your request.

Sincerely,

JOHN W. R. POPE III  
Executive Director

Enclosures